

The applicants further elect, with traverse, as a single species for purposes of initial examination, MHC class I tetramer wherein at least one amino acid substitution in the  $\alpha 3$  domain of the heavy chain in the zone of interaction is mutated. All of the claims of the elected Group are believed to read on the elected species.

Reconsideration and withdrawal of the species election requirement are requested. Specifically, the applicants believe that the standard for determining whether a species election should be required is related to whether the species share a commonality of operation, function or effect (MPEP Section 806.04(e)). The requirement to elect a species is traversed in the present case because the applicants believe that the peptide species share a commonality of operation, function or effect.

That is, the Examiner is understood to believe that the species are distinct because they have different structures, e.g., MHC class I tetramer wherein at least one amino acid of the  $\alpha 3$  domain. The variously mutated MHC class I tetramers share a commonality of operation, function or effect however because the mutated MHC class I tetramers all have significantly reduced background noise. Therefore, it is submitted that an election of one species (i.e., amino acid substitution in the  $\alpha 3$  domain) should not be required and that the peptides should be examined together..

At a minimum, examination of the claims of the elected Group without requiring a species election is requested.

An early and favorable Action on the merits is requested.

LANG et al.  
Appl. No. 10/765,097  
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Respectfully submitted,

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